

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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FRANCISCA TRINIDAD,

Plaintiff,

**REPORT AND
RECOMMENDATION**

-against-

08 CV 2782 (SLT)

STEVEN GEIGER, et al.,

Defendants.

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On November 23, 2009, Jeffrey Miller & Associates, P.C., counsel for defendants Baron Auto Mall, Inc. and Vladimir Zanan, moved to withdraw from further representation of defendants, claiming that counsel had been unable to contact their clients. The Court ordered a hearing on the motion for December 12, 2009. Neither Mr. Zanan nor anyone from Baron Auto Mall appeared at the hearing and no objections to the motion were made.

The Court therefore granted counsel's request and ordered defendants to obtain new counsel or contact the Court by January 19, 2010. The Court's Order further stated that failure to do so would result in a recommendation that a default judgment be entered against these defendants. The Court sent notice of this Order to defendants; however, Mr. Zaman's notice was returned as undeliverable with the postal notation: "Return to Sender - Not Deliverable as Addressed - Unable to Forward." This was part of the problem experienced by counsel, which led to the request to withdraw.

On August 2, 2010, plaintiff filed a Motion for Default Judgment as to Baron Auto Mall, Inc. and Mr. Zaman. Neither of these defendants have contacted the Court regarding this case since the issuance of the Court's December 16, 2009 Order more than eight months ago. Since the Court had previously indicated that defendants' failure to contact the Court would result in a recommendation of default, the Court now respectfully recommends that default be entered in

this case against defendants Baron Auto Mall, Inc. and Vladimir Zaman.

The Court further Orders that the remaining parties to this action appear for a status conference at the United States District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, at 3 p.m. on October 14, 2010.

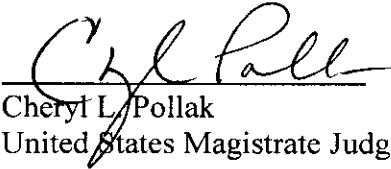
Plaintiff is directed to serve a copy of this Order promptly by certified mail, return receipt requested, on defendants Vladimir Zanan and Baron Auto Mall, Inc., at defendants' last known addresses, and to provide the Court with copies of the return receipts or any envelopes returned as undeliverable.

Any objections to this Report and Recommendation must be filed with the Clerk of the Court, with a copy to the undersigned, within fourteen (14) days of receipt of this Report. Failure to file objections within the specified time waives the right to appeal the District Court's Order. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(e), 72; Small v. Sec'y of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989).

The Clerk is directed to send copies of this Order to the parties either electronically through the Electronic Case Filing (ECF) system or by mail.

SO ORDERED.

Dated: Brooklyn, New York
September 15, 2010



Cheryl L. Pollak
United States Magistrate Judge